

DOCUMENT NO. 5424
ADOPTED 9/12/91

Text Amendment Application No.
Boston Redevelopment Authority
Cambridge Street - North District

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

The Boston Redevelopment Authority petitions to amend the text of the Boston Zoning Code, as established under Chapter 665 of the Acts of 1956 as amended, as follows.

By inserting, after Article 46, the following article:

ARTICLE 47

CAMBRIDGE STREET - NORTH DISTRICT

SECTION 47-1. **Statement of Purpose, Goals and Objectives.** The purpose of this Article is to establish the zoning regulations, as required by the provisions of the Downtown Interim Planning Overlay District, Article 27D of this Code, for that portion of the comprehensive plan for the Cambridge Street District that applies to the area located north of the center line of Cambridge Street, established by this Article as the Cambridge Street - North District. Because the Cambridge Street Plan, which addresses the relationship between the north and south sides of Cambridge Street, recognizes that the north side of Cambridge Street requires different zoning regulations from the south, this Article does not establish zoning regulations for that portion of the area covered by the Cambridge Street Plan that lies south of the center line of Cambridge Street. The goals and objectives of this Article and the Cambridge Street Plan are to: (1) preserve and maintain the historic character of the area; (2) to create opportunities for an active pedestrian street life; (3) to provide for institutional

growth through an open planning process and in a manner that is compatible with existing District uses; (4) to direct development in a way that promotes balanced growth for Boston; and (5) to provide for streetscape and landscape improvements which enhance the natural and built environment.

SECTION 47-2. Recognition of the Cambridge Street District Plan. In accordance with Section 27D-18 of this Code, which requires production of comprehensive planning policies, development controls, and design guidelines for Special Study Areas in the Downtown Interim Planning Overlay District, including the Cambridge Street District (Special Study Area No. 6), the Zoning Commission hereby recognizes the Cambridge Street Plan as the general plan for the Cambridge Street - North District and as the portion of the general plan for the City of Boston applicable to the Cambridge Street - North District established herein. This Article is one of the means of implementing the Cambridge Street District Plan, the preparation of which is pursuant to Section 70 of Chapter 41 of the General Laws, Section 652 of the Acts of 1960, and Section 3 of Chapter 4 of the Ordinances of 1952.

SECTION 47-3. Physical Boundaries. The provisions of this Article are applicable only in the Cambridge Street - North District. The boundaries of the Cambridge Street - North District are as shown on a map entitled, "Map 1J Cambridge Street - North District (supplemental to 'Map 1 Boston Proper')" of the series of maps entitled "Zoning Districts - City of Boston," as amended.

SECTION 47-4. Applicability. This Article together with the rest of this Code constitutes the zoning regulation for the Cambridge Street - North District and applies as specified in Section 4-1 regarding the conformity of buildings and land to this Code. Exceptions to the provisions of this Article, pursuant to Article 6A, shall not be available except to the extent expressly provided in this Article or Article 6A. Application of the provisions of Article 27D to the Cambridge Street - North District is rescinded on the effective date of this Article, except as provided below. Where conflicts exist between this Article and the remainder of this Code, the provisions of this Article shall govern. For the Cambridge Street - North District, except where specifically indicated in this Article, the provisions of this Article supersede Article 8 (except Section 8-6), Article 13 (except Section 13-3), and Articles 14 through 23 of this Code. The following Proposed Projects are exempt from the provisions of this Article, and are governed by the rest of this Code, including Article 27D.

1. Any Proposed Project for which application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this article and for which no Zoning Relief is required.
2. Any Proposed Project for which appeal to the Board of Appeal for any Zoning Relief has been made prior to the first notice of hearing before the Zoning Commission for adoption of this article, provided that such Zoning Relief has been or thereafter is granted by the Board of Appeal pursuant to such appeal.

SECTION 47-5. Establishment of Protection Areas, Restricted Growth Area, and Medium Density Area.

1. Protection Areas. This Section 47-5.1 establishes two Protection Areas within the Cambridge Street - North District. The two Protection Areas are established in order to protect the existing scale of buildings within the Protection Areas so as to minimize contrasts of scale with the smaller buildings on the south side of Cambridge Street, encourage greater visual definition of Cambridge Street, and preserve a scale of development compatible with the concentration of the historic buildings within the Protection Areas. The two Protection Areas are designated on Map 1J of this Code and are identified below. Any other provision of this Article or Code notwithstanding, Proposed Projects within a Protection Area are limited to the building height and Floor Area Ratio (FAR) specified for such Protection Area, as follows:

- (a) Cambridge Street North Side Protection Area. Within that portion of the Cambridge Street - North District depicted on Map 1J of this Code as the "Cambridge Street North Side Protection Area," a maximum building height of sixty-five (65) feet and a maximum FAR of four (4) are allowed; provided that a maximum FAR of five (5) shall be allowed if (i) the Proposed Project includes, on its ground level, any of the Ground Level Uses listed in Appendix A of this Article, and access to such use may be had directly from Cambridge Street, with or without a ramp or stairs, but without entering a lobby, and (ii) the

Proposed Project is subject to, or elects to comply with, the provisions of Article 31, and the Boston Redevelopment Authority has certified that the Proposed Project complies with Article 31.

- (b) Charles Street Jail South Protection Area. Within that portion of the Cambridge Street - North District depicted on Map 1J of this Code as the "Charles Street Jail South Protection Area," a maximum building height of one hundred twenty-five (125) feet and a maximum FAR of five (5) are allowed.
- 2. Restricted Growth Area. This Section 47-5.2 establishes one Restricted Growth Area within the Cambridge Street - North District in order to protect existing moderately scaled development. The Restricted Growth Area is designated on Map 1J of this Code as the "Blossom Street Restricted Growth Area." Within the area so designated, a maximum building height of eighty (80) feet and a maximum FAR of six (6) are allowed east of North Anderson Street, and a maximum building height of sixty-five (65) feet and a maximum FAR of four (4) are allowed west of North Anderson Street; provided that, throughout the Blossom Street Restricted Growth Area, a maximum building height of one hundred (100) feet and a maximum FAR of seven (7) shall be allowed if a Proposed Project is subject to or elects to comply with the provisions of Article 31 (Development Review

Requirements) and the Boston Redevelopment Authority has certified that the Proposed Project complies with Article 31.

3. Medium Density Area. This Section 47-5.3 establishes one Medium Density Area within the Cambridge Street - North District. The Medium Density Area is designated on Map 1J of this Code as the "Charles Street Jail North Medium Density Area." Within the area so designated, a maximum building height of one hundred twenty-five (125) feet and a maximum FAR of five (5) are allowed; provided that a maximum building height of one hundred fifty-five (155) feet and a maximum FAR of five (5) are allowed if a Proposed Project is subject to or elects to comply with the provisions of Article 31 (Development Review Requirements) and the Boston Redevelopment Authority has certified that the Proposed Project complies with Article 31.

SECTION 47-6. Establishment of Areas Within Which Planned

Development Areas May be Permitted. Planned Development Areas ("PDAs"), as described in Section 3-1A.a, are permitted within the Charles Street Jail South Protection Area, the Charles Street Jail North Medium Density Area, that portion of the Blossom Street Restricted Growth Area located west of Blossom Street, and that portion of the Cambridge Street North Side Protection Area located west of Blossom Street. PDAs are not permitted elsewhere in the Cambridge Street-North District. The purposes for establishing these areas as areas in which a PDA may be permitted are

to establish a more flexible zoning law, to allow for the diversification and expansion of Boston's economy through the expansion of state-of-the-art medical and scientific research and treatment facilities, while ensuring public benefits and quality urban design by providing planning and design controls, and to encourage development that knits together the surrounding neighborhoods through a new urban design for the area.

1. Consistency with Section 3-1A. Any application for Development Plan approval for a Proposed Project within the areas of the Cambridge Street-North District where PDAs are permitted is subject to the provisions of Subsection 3-1A.a and this Section 47-6 through Section 47-9.
2. Applicability of Future Amendments. The issuance of any permit for the development or construction of any portion of a Proposed Project described in the approved Development Plan, as amended from time to time, shall be deemed to be the issuance of a permit for the entire Proposed Project for the purpose of applying Section 5 of Chapter 665 of the Acts of 1956 as amended from time to time. Without limiting the foregoing sentence, the proviso of said Section 5 that construction work under the permit proceed continuously to completion shall be deemed satisfied so long as construction on the Proposed Project proceeds generally in accordance with a development schedule set forth in the approved Development Plan.

3. Applicability of Design Guidelines. Any application for Development Plan approval for a Proposed Project within the area of the Cambridge Street - North Side Protection Area where PDAs are permitted is subject to the provisions of Section 47-10.
4. Amendment of Development Plan. In a PDA, no Proposed Project shall proceed unless the Boston Redevelopment Authority has certified to the Commissioner of Inspectional Services that the Proposed Project is consistent with the approved Development Plan for such PDA or the portion thereof to which said work relates. The procedure for amendment of the Development Plan is the same procedure as the procedure for initial approval of a Development Plan, as set forth in Subsection 3-1A.a and Subsection 1 of this Section 47-6. A Proposed Project for the reconstruction of a structure in existence in a PDA as of the date of Development Plan approval and described in said Development Plan, or of a structure constructed pursuant to said Development Plan, shall be determined by the Boston Redevelopment Authority to be consistent with said Development Plan, provided that said reconstruction is substantially similar to the original structure. Said reconstruction, unless described as part of the original Proposed Project in said Development Plan, shall constitute a separate Proposed Project for all purposes hereunder.

5. Zoning Commission Approval Only; No Board of Appeal Action Required.

Upon approval of the Development Plan by the Boston Redevelopment Authority, the Boston Redevelopment Authority shall transmit the Development Plan to the Zoning Commission for its consideration. After transmittal of the Development Plan by the Boston Redevelopment Authority to the Zoning Commission, the Zoning Commission may approve the Development Plan and establish a PDA if such PDA consists solely of land with respect to which an agreement has been or is subsequently entered into with the Boston Redevelopment Authority establishing use and dimensional controls as specified in the Development Plan. The Proposed Project and the parcels or Lots and improvements thereon, which are the subject of the Development Plan, shall be deemed to be in compliance with the provisions of this Article and Code, so long as the same are consistent with the provisions of the approved Development Plan and other applicable provisions of the Code. Nothing in this Article shall be construed to limit the power of the Board of Appeal to grant Zoning Relief for Proposed Projects in PDAs, except that exceptions from the building height and FAR provisions set forth in Section 47-7 are not permitted.

SECTION 47-7. Planned Development Area; Use and Dimensional

Regulations. The land use and dimensional regulations for a PDA are established by this Section.

1. Use Regulations. Proposed Projects within a PDA are subject to the use regulations set forth in Section 47-12, except that those institutional uses, accessory uses, and ancillary uses specified as conditional in paragraphs (g), (h), (k), (l), and (m), respectively, of Section 47-12.4 shall be allowed as a matter of right, subject to the provisions of the applicable approved Development Plan, and the provisions of Section 47-12.1, concerning Ground Level Uses, shall not apply.
2. Dimensional Regulations. The dimensional requirements for a Proposed Project within a PDA shall be as set forth in the applicable approved Development Plan, provided that the building height and FAR for such Proposed Project shall not exceed the limits set forth in Table A. For the purposes of this Subsection 46-7.2, FAR shall be computed as though the land within a PDA were in single ownership, notwithstanding actual ownership patterns or changes in ownership occurring after the approval of a Development Plan for the PDA.

TABLE A

**Dimensional Regulations
Planned Development Areas
Cambridge Street - North District**

	<u>Maximum Building Height</u>	<u>Maximum FAR</u>
Charles Street Jail South Protection Area	125 feet	5
Charles Street Jail North Medium Density Area	155 feet	5
Blossom Street Restricted Growth Area (west of Blossom Street)	100 feet	7
Cambridge Street North Side Protection Area (west of Blossom Street)	65 feet	5

SECTION 47-8. Planned Development Area; Standards for Development

Plan Approval. Before transmittal to the Zoning Commission, a Development Plan shall have been approved by the Boston Redevelopment Authority after a public hearing, provided, however, that a Development Plan shall not be approved by the Boston Redevelopment Authority unless the Boston Redevelopment Authority finds that: (a) such Development Plan is in conformity with the provisions of this Article; (b) such Development Plan is consistent with the Cambridge Street District Plan and the general plan for the city as a whole; (c) each Proposed Project described in the Development Plan is in accordance with the building height and FAR standards set forth in Section 47-7 and all other applicable provisions of this Article; and (d) on balance, nothing in such Development Plan will be injurious to the neighborhood or

otherwise detrimental to the public welfare, weighing all the benefits and burdens including, without limitation, those factors identified in Section 47-9.

SECTION 47-9. Planned Development Area; Public Benefit Criteria.

The Boston Redevelopment Authority may approve a Development Plan as meeting the provisions of Section 47-8 if the Development Plan proposes a plan for public benefits including one or more of the following: (a) the creation or retention of job opportunities and neighborhood economic development opportunities, in accordance with the provisions of paragraph 1, below, of this Section 47-9; (b) the diversification and expansion of Boston's economy in areas of economic activity that promote the development of state-of-the-art medical facilities, including facilities for treatment, diagnosis, and research and development of new technology for these purposes, in accordance with the provisions of paragraph 2, below, of this Section 47-9, or (c) the provision of substantial street improvements in accordance with the provisions of paragraph 3, below, of this Section 47-9. Where a Development Plan includes a Proposed Project, or any part thereof, within the Cambridge Street North Side Protection Area, the Boston Redevelopment Authority also shall consider the design guidelines set forth in Section 47-10.2 for such Protection Area in reviewing such portions of the Development Plan.

1. Development Plan Approval for the Creation of New Job Opportunities.

The Boston Redevelopment Authority may approve a Development Plan proposing creation of new job opportunities if it determines that: (a) employment positions in the Proposed Project are newly created in the

Cambridge Street-North District; or (b) the Development Plan provides for job opportunities to facilitate community access to jobs created by the Proposed Project.

2. Development Plan Approval for Diversification and Expansion of Boston's

Economy. The Boston Redevelopment Authority may approve a

Development Plan proposing diversification and expansion of Boston's

economy if at least twenty percent (20%) of the gross floor area of the

Proposed Project is dedicated to or supportive of uses such as, but not

limited to, the following: (a) health care services, including hospital uses,

clinics, and medical, dental, or similar professional offices and related

diagnostic and treatment facilities; (b) research, development, and

production of pharmaceutical and biomedical products; (c) the design,

development, fabricating, and testing of instruments for medical, dental,

scientific, optical, engineering, or other similar professional use; or (d) other

scientific research and development uses, including laboratories and

facilities for theoretical, basic, and applied research, product development

and testing, prototype fabrication, or production of experimental products.

Examples of uses which shall be considered "supportive of" the uses

enumerated in subparagraphs (a), (b), (c), and (d) above include, but are

not limited to: office space occupied by private entities engaged in such

uses, or occupied by governmental entities regulating such uses; hotel,

conference, or convention facilities; and educational facilities providing instruction in fields related to such uses.

3. Development Plan Approval for the Provision of Street Improvements. The Boston Redevelopment Authority may approve a Development Plan providing, either directly or through funding, for substantial street improvements to streets adjacent to and in the vicinity of the PDA. Such street improvements must be consistent with any applicable street improvement regulations or guidelines and must be sufficient, as determined by the Boston Redevelopment Authority, to improve the appearance, condition, quality of design and materials, and accessibility and useability of the affected streets by pedestrians, taking into account increased vehicular and pedestrian flows.

SECTION 47-10. Protection Area Design Guidelines. Within the Cambridge Street - North Side Protection Area, any Proposed Project for the erection of a new building, or for the addition or extension to an existing building, shall proceed only if the Boston Redevelopment Authority finds that the Proposed Project is generally consistent with the applicable design guidelines specified in this Section 47-10. The provisions of **Article 6A** shall be applicable to the provisions of this Section 47-10.

1. Procedure for Approval of Proposed Project. Each application for a permit for a Proposed Project subject to the provisions of this Section 47-10 shall be filed in duplicate with the Inspectional Services Department, which shall

retain one copy for its files and transmit the other copy to the Boston Redevelopment Authority. Within five (5) days after the Boston Redevelopment Authority receives a copy of such permit application from the Inspectional Services Department, the Boston Redevelopment Authority shall publish notice of receipt of such permit application and shall make copies of such permit application available to the public. Any public comments on whether such Proposed Project is generally consistent with the applicable design guidelines set forth in this Section shall be transmitted in writing to the Boston Redevelopment Authority within thirty (30) days of such notice. The Boston Redevelopment Authority may find that the Proposed Project is generally consistent with the applicable design guidelines set forth in this Section or is not consistent with said guidelines, provided that such findings shall be transmitted to the Inspectional Services Department within sixty (60) days of the receipt by the Boston Redevelopment Authority of the application for a Proposed Project. Failure by the Boston Redevelopment Authority to transmit such findings to the Inspectional Services Department within the time required by this Section 47-10 shall not be deemed a finding that the Proposed Project is or is **not** consistent with the guidelines set forth in this Section 47-10. Any Applicant aggrieved by the denial of any permit by the Inspectional Services Department pursuant to this section may appeal to the Board of Appeal within forty-five (45) days after such denial for a permit, in accordance with the provisions of Article 6.

2. Design Guidelines. In reviewing a Proposed Project within the Cambridge Street North Side Protection Area, the Boston Redevelopment Authority shall consider the design guidelines set forth in this Subsection 2. The provisions of this Subsection 2 shall not apply to any Proposed Project that is subject to the jurisdiction of the Boston Landmarks Commission or other architectural board or commission with design review authority and established pursuant to a general or special law of the Commonwealth of Massachusetts.

(a) Historic Buildings and Buildings which Contribute to the Architectural Significance of the Cambridge Street - North Side Protection Area.

The Cambridge Street - North Side Protection Area contains many buildings and portions of buildings that have historic interest and make important contributions to the architectural character of the Protection Area. These buildings and portions of buildings are listed in Appendix C hereto. Such buildings and portions of buildings should be renovated rather than replaced. Accordingly, the existing facades of such buildings and portions of buildings should be retained and restored, and in the event that the restoration of a facade is not practicable, any replacement facade should replicate the essential architectural characteristics and elements of the original facade.

(b) Street Walls. To give greater visual definition to Cambridge Street, the construction of infill buildings on vacant lots, and the addition to or

replacement of existing structures whose Street Walls are lower than the maximum Street Wall height allowed by Section 47-10.3, should be encouraged.

- (c) Windows. In Street Walls facing Cambridge Street, large, undifferentiated panes of glass generally are not appropriate. Accordingly, windows in such Street Walls should be set in from the face of the building and accented by lintels and sills. In such Street Walls, new masonry window openings should not be introduced where they did not previously exist. Replacement windows in such Street Walls should replicate the essential architectural characteristics of the ones being replaced. Replicating the vertical orientation, dimensions, colors, and details of frame and sash elements of such windows being replaced should be encouraged.
- (d) Storefront Details. Details of storefronts in Street Walls facing Cambridge Street should be designed as integral parts of the building and not as unrelated objects attached to the building. Details of storefronts in such Street Walls should be compatible with those of other buildings on the north side of Cambridge Street in order to reinforce the rhythm of storefronts along the street. Where original details of existing storefronts in such Street Walls have been covered, damaged, or removed, efforts to restore them or otherwise to restore

such storefronts to their original character should be encouraged where practicable. New storefronts in such Street Walls should include display windows and recessed entries. Flush-mounted signs and simple fabric awnings generally are appropriate for such storefronts.

- (e) Building Entrances. In buildings having a Street Wall facing Cambridge Street, the principal building entrance should be oriented toward Cambridge Street so that pedestrian activity is focused along the street.
- (f) Rooftop Mechanical Equipment. Rooftop mechanical units should be located so as to minimize impacts upon neighboring buildings and on Cambridge Street. Such units should either be acoustically and visually screened so as not to be visible or audible from a public way within the Cambridge Street - North District, or be concealed within shallow-hipped or gable-shaped roofs compatible with the rest of the Proposed Project and its neighboring buildings. Those portions of rooftop mechanical units that are visible from a public way within the Cambridge Street - North District should be constructed using traditional materials compatible with the rest of the Proposed Project and its neighboring buildings, such as slate shingles and copper gutters.

(g) Streetscape and Landscape. Streetscape elements should lend

human scale, texture and interest to the area. These elements may include front lawns at historic buildings, wrought-iron fences on masonry bases, street trees, brick sidewalks and acorn-style street lights.

(h) Views and Vistas. New development, rehabilitation, and streetscape

improvements should enhance views of the Boston skyline, the

Charles River and Esplanade, and prominent buildings such as the

Old West Church, the Bulfinch Building at Massachusetts General

Hospital, the Charles Street Jail, Boston City Hall, the Custom House,

and the State House.

(i) Block Pattern. To help define the visual image of Cambridge Street,

the elements of Proposed Projects in the Cambridge Street North

Side Protection Area should relate in scale to the buildings on the

south side of Cambridge Street. Accordingly, Proposed Projects

should provide for appropriate breaks in Street Walls and building

mass, and, where practicable, the creation of new streets or

pedestrianways that continue the alignment of Beacon Hill streets and

give access from Beacon Hill to areas north of Cambridge Street.

- (j) Building Materials. Primary building materials for Street Walls facing Cambridge Street should be masonry, including brick, limestone, sandstone and granite. When used for such Street Walls, materials such as architectural precast concrete should be empathetic in surface, texture and color with the exterior building materials used on the south side of Cambridge Street.

SECTION 47-11. Specific Design Requirements. Except as otherwise expressly provided in this Article or Code, all Proposed Projects within the Cambridge Street - North District shall comply with the applicable design requirements established in this Section. The provisions of Article 6A shall be applicable to the provisions of this Section.

1. Street Wall Continuity. In any Proposed Project for the erection of a new structure, or for the extension of a structure, where such extension changes the location of a Street Wall facing a public street each Street Wall newly constructed or relocated shall comply with the following dimensional requirements.

- (a) Projects Subject to Article 31 Development Review. If the Proposed Project is subject to or elects to comply with the development review provisions of Article 31, appropriate locations for such Street Walls shall be determined in the development review process.

(b) Projects Not Subject to Article 31 Development Review. If the Proposed Project is not subject to the development review provisions of Article 31, pursuant to Section 31-4 or by election, each such Street Wall shall be built to be coextensive with the street line, as defined in Section 2-1. Notwithstanding the foregoing, small variations in the Street Wall plane, such as bays and recesses, are allowed where appropriate.

2. Street Wall Height. The height of the Street Wall of a Proposed Project shall not exceed sixty-five (65) feet.

3. Setback Requirements. Every portion of a Proposed Project (including, but not limited to, mechanical equipment) that extends above the Street Wall height shall be set back by not less than sixty-five (65) feet from the Street Wall.

SECTION 47-12. Use Regulations. In the Cambridge Street - North District, the use of land and structures is hereby regulated as provided in this Section 47-12. The provisions of Article 8, except Section 8-6, apply only as specified in this Section 47-12. No land or structure shall be erected, used, or arranged or designed to be used, in whole or in part, except in conformity with the provisions of this Section 47-12.

1. Ground Level Uses. Within any portion of a Proposed Project that has street frontage on Cambridge Street located on the ground level or entered by a ramp or stairs from a sidewalk entry, allowed uses are limited to Ground Level Uses, as listed in Appendix A of this Article. In such portions of Proposed Projects, all other uses that are allowed by this Section 47-12 are conditional uses.
2. Inclusion of Day Care Facilities. The provisions of this Subsection 2 apply only to Proposed Projects which exceed a building height of sixty-five (65) feet, or an FAR of four (4), or both. Any Proposed Project having a gross floor area (not including the floor area devoted to Residential Uses, Cultural Uses or Community uses as these uses are described in Subsections 3 and 4 of this Section 47-12) that equals or exceeds one hundred fifty thousand (150,000) square feet shall devote to day care facilities an amount of floor area equal to at least the amount listed below in Table B of this Article. For the purposes of this Subsection 2, floor area devoted exclusively to restaurant, hotel, local retail, or general retail uses and uses accessory thereto shall be multiplied by 0.2 before being used in the calculation of required day care facilities. An Applicant for a Proposed Project subject to the provisions of this Subsection 2 may fulfill its obligations by (a) creating such facilities on-site; or (b) creating such facilities, or causing such facilities to be created, in the vicinity of the Proposed Project, within the Cambridge Street - North District, or within

any portion of a Land Assembly and Redevelopment Plan Area or Planned Development Area if at least a portion of such Land Assembly and Redevelopment Plan Area or Planned Development Area is located within the Cambridge Street - North District. Any Proposed Project subject to the provisions of this Subsection 2 shall devote to on-site day care facilities an amount of floor area equal to at least four thousand (4,000) square feet, or the minimum required square footage, whichever is less. The provision of day care facilities in accordance with this Subsection 2 shall be in conformity with any written regulations adopted by the Boston Redevelopment Authority after public notice and hearing. For the purposes of this Subsection 2, the term "day care facilities" includes the finish, furnishings, and equipment required for use of the floor area for such facilities, to enroll people for care, instruction, or recreation during regular business hours.

TABLE B

Provision of Day Care Facilities

<u>Size of Proposed Project (Gross Square Feet)</u>	<u>Minimum Day Care Facilities (Gross Square Feet)</u>
150,000 up to 200,000	2% of gross floor area
200,000 up to 500,000	4,000
500,000 up to 1,000,000	8,000
more than 1,000,000	12,000

3. Allowed Uses. No land or structure in the Cambridge Street - North District shall be erected, used, or arranged or designed to be used, in whole or in

part, for any use not specified in this Subsection 3, except under the provisions of Section 47-12.4 and Article 6. Any use specified in this Subsection 3 shall be allowed as a matter of right, subject only to the provisions of this Section 47-12; provided that all uses specified in this Subsection 3 are conditional when accessory or ancillary to an institutional use that is subject to the provisions of Section 47-12.4.

- (a) Residential Uses. Limited to multifamily dwelling; row house; artists' live/work space; apartment house; group residence, limited; lodging house; boarding house. Residential uses include any affordable dwelling units, including but not limited to rental units, condominiums, or limited equity share cooperatives.
- (b) Entertainment and Cultural Uses. Limited to art gallery; museum; cultural or historical exhibition; music rehearsal studio; artist studio or work space.
- (c) Restaurant Uses. Limited to lunchroom, restaurant, cafeteria or other place for the service or sale of food or drink for on-premises consumption; provided that uses described in Use Item 38A of Section 8-7 are forbidden.
- (d) Office Uses. Limited to business or professional office; offices of community service organizations, medical or dental office; clinic; real

estate, insurance, or other agency or government office; office building, post office; bank (other than drive-in bank) or similar establishment.

(e) Hotel Uses.

(f) Educational Uses. Limited to nursery school, kindergarten, elementary or secondary school.

(g) Community Uses. Limited to adult education center, community center, settlement house; day care center, family care center, community health center or clinic.

(h) Recreational Uses. Limited to private grounds for games and sports; other social, recreational, or sports center whether or not conducted for profit; or private club operated for members only.

(i) Public Service Uses. Limited to police station, fire station, public service pumping station, substation, or automatic telephone exchange, subject to St. 1956, c. 665, s. 2.

(j) Service and Trade Uses. Limited to video or film production studio; barber shop; beauty shop; shoe repair shop; self-service laundry;

pick-up and delivery station of laundry or dry-cleaner; tailor shop; hand laundry; dry-cleaning shop; provided that in laundries and cleaning establishments only nonflammable solvents are used for cleaning; framer's studio; caterer's establishment; photographer's studio; printing plant; taxidermist's shop; upholster's shop; carpenter's shop; electrician's shop; plumber's shop; radio and television repair shop, key and lock shop; express mail operation; ticket outlet; animal hospital or clinic; or other similar service or trade use.

- (k) Local Retail Uses. Limited to store primarily serving the local retail business or service needs of the neighborhood including, but not limited to, store retailing one or more of the following: food, baked goods, groceries, packaged alcoholic beverages, drugs, tobacco products, clothing, dry goods, books, flowers, paint and other artists' supplies, hardware and other minor household appliances, furniture, and photographic equipment; provided that, if the hours during which such establishment is open to the public begin before 6 A.M., or extend beyond 12 midnight, or if such merchandise is sold or displayed out of doors on the premises of such store, such uses are conditional; and provided that the uses described in Use Item 34A of Section 8-7 are forbidden.

- (l) General Retail Uses. Limited to department store, furniture store, general merchandise mart, or other store serving the general retail business needs of a major part of the city, including accessory storage; provided that, if the hours during which such establishment is open to the public begin before 6 A.M. or extend beyond 12 midnight, or if such merchandise is sold or displayed out of doors on the premises of such store, such uses are conditional; and provided that the uses described in Use Item 34A of Section 8-7 are forbidden.
- (m) Ground Level Uses. Uses specified in Appendix A hereto.
- (n) Institutional Uses. Limited to place of worship, monastery, convent, or parish house; library; elder care facility, orphanage or similar institution not for correctional purposes, not providing custodial care for drug addicts, alcoholics, or mentally ill or mentally deficient persons.
- (o) Accessory Uses. Subject to the limitations and restrictions of Article 10, limited to: (i) a garage or parking space for occupants, employees, students, and visitors, provided that such use is accessory to a residential or hotel use allowed pursuant to Section 47-12.3(a); (ii) accessory swimming pool, health club, tennis court; (iii) sale over the counter, wholly incidental to a use listed

under Section 47-12.3(c), of food or drink prepared on premises for off-premises consumption; (iv) the storage of flammable liquids and gases incidental to a lawful use; (v) the manufacture, assembly, or packaging of products sold on the same lot as the main use; (vi) the maintenance and operation of not more than four amusement game machines in a private club, dormitory, fraternity, or sorority house, or similar noncommercial establishment, or in any commercial establishment; (vii) any use ancillary to, and ordinarily incident to, a lawful main use, provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos, and safeguards as the use to which it is accessory.

4. Conditional Uses. No land or structure in the Cambridge Street - North District shall be erected, used, or arranged or designed to be used, in whole or in part, for any use subject to the provisions of Article 6 unless such use is specified in this Section 47-12.4. The granting of a permit for any use so specified may be authorized conditionally by the Board of Appeal acting under the provisions of Article 6, subject to the provisions of this Section 47-12. The continued right to a conditional use is dependent upon maintaining the character and extent of operations and structures.

- (a) Residential Uses. Limited to temporary dwelling structure; and any dwelling converted for more families, where such structure, after conversion, is non-conforming with respect to any applicable provision

of this Article or Code, provided that, after conversion, any nonconformity as to floor area ratio is no greater than prior to conversion.

- (b) Entertainment and Cultural Uses. Limited to concert hall; theater, commercial or non-profit (including motion picture or video theater, but not drive-in theater); performance space.
- (c) Take Out Restaurant Uses. Limited to sale over the counter, not wholly incidental to a use specifically allowed under Section 47-12.3, of food or drink prepared on premises for off-premises consumption or for on-premises consumption if, as so sold, such food or drink is ready for take-out.
- (d) Recreational Uses. The maintenance and operation of more than four (4) amusement game machines in a private club, dormitory, fraternity or sorority home, or similar noncommercial establishment, or any commercial establishment.
- (e) Local Retail Uses. Those uses specified in Section 47-12.3(k) if the hours during which such establishment is open to the public begin before 6 A.M. or extend beyond 12 midnight, or if such merchandise is sold or displayed out of doors on the premises of such store.

(f) General Retail Uses. Those uses specified in Section 47-12.3(l) if the hours during which such establishment is open to the public begin before 6 A.M. or extend beyond 12 midnight, or if such merchandise is sold or displayed out of doors on the premises of such store.

(g) Institutional Uses. College or university granting degrees by authority of the Commonwealth; fraternity or sorority house or dormitory; trade, professional, or other school; hospital, sanatorium, library accessory to an institutional use not allowed pursuant to paragraph (n) of Section 47-12.3; research laboratory accessory to an institutional use not allowed pursuant to paragraph (n) of Section 47-12.3, provided that such laboratory use shall comply with all applicable guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals; penal or correctional institution; detention home; machine shop or other noisy activity accessory to a school, college, or university, provided that such use is adequately sound-insulated to protect the neighborhood from unnecessary noise; elder care facility, orphanage, or similar institution not for correctional purposes providing custodial care for drug addicts, alcoholics, or mentally ill or mentally deficient persons.

(h) Parking Uses. Parking lot or parking garage.

- (i) Vehicular Uses. Repair garage, gasoline service station; car wash, provided that all working, painting, lubricating and making of repairs is carried on inside a building and that any auto body shop, car wash, repair shop and paint shop is sufficiently sound-insulated to confine all noise to the lot and that all flashing, fumes, gases, smoke and vapor are effectively confined to the lot; and further provided that there is no outside storage of damaged, disabled or unregistered motor vehicles for a period of more than one month.
- (j) Service and Trade Uses. Funeral home; undertaker's establishment; or mortuary.
- (k) Changes of Use. Any change of use from a residential use to a non-residential use.
- (l) Accessory Uses. Subject to the limitation and restrictions of Article 10, limited to (i) a garage or parking space for occupants, employees, customers, students, and visitors, where such use is not accessory to a residential or hotel use allowed pursuant to Section 47-12.3; (ii) car wash, valet service, and automobile repair service accessory to a parking garage and contained entirely within said parking garage; (iii) the keeping of laboratory animals, other than household pets, provided that every enclosure is sufficient to prevent

a nuisance to any adjacent residences or eleemosynary institutions, that all resulting noise, dust, fumes, gases, odors, and refuse are effectively confined to the lot or so disposed of as not to be a nuisance or hazard to public health or safety, and that such use shall comply with all applicable guidelines and standards promulgated by the National Institutes of Health for the care and use of laboratory animals; (iv) clinical or professional offices accessory to a hospital or sanatorium whether or not on the same lot.

(m) Ancillary Uses. Any use on a lot adjacent to, or across the street from, but in the same district as, a lawful use to which it is ancillary and for which it would be a lawful accessory use if it were on the same lot; provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos, and safeguards as the use to which it is ancillary.

5. Forbidden Uses. No land or structure in the Cambridge Street - North District shall be erected, used, or arranged or designed to be used, in whole or in part, for any use specified in Section 8-7 if such use is not specified in Sections 47-12.3 and 47-12.4 as an allowed or conditional use, provided that nonconforming uses may be continued subject to the provisions of Article 9. Without limitation, uses described in Use Items 34A and 38A of Section 8-7 are forbidden.

SECTION 47-13. Off-Street Parking Not Required. Within the Cambridge Street - North District off-street parking facilities are not required in any Proposed Project. The provisions of Sections 23-8, 23-9 and 23-10 shall govern any Proposed Project for which off-street parking is provided.

SECTION 47-14. Off-Street Loading. Off-street loading facilities must be located so as to be accessed from Fruit, Parkman, North Grove, North Anderson or Blossom Streets. The provision and design of off-street loading facilities for the use of any structure or land not subject to the provisions of Article 31 (Development Review Requirements) shall be subject to the provisions of Article 24. The provision and design of off-street loading facilities for the use of any structure or land which is subject to the provisions of Article 31, and any appropriate mitigation measures, shall be determined through the development review process established by Article 31.

SECTION 47-15. Regulations. The Boston Redevelopment Authority may promulgate and amend from time to time regulations to administer this Article.

SECTION 47-16. Severability. The provisions of this Article are severable, and if any such provision or provisions shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this Article.

SECTION 47-17. Definitions. Words and phrases defined in Appendix B to this Article shall have the meanings set forth therein.

SECTION 47-18. Appendices. The following appendices are incorporated herein:

1. Appendix A - Ground Level Uses
2. Appendix B - Definitions
3. Appendix C - Historic Buildings and Buildings Which Contribute to the Architectural Significance of the District

APPENDIX A

Ground Level Uses

The following uses are Ground Level Uses, and are allowed uses within the Cambridge Street District.

- Antique stores
- Appliances, repair shops
- Appliances, sales
- Artists' supply and music stores
- Athletic goods stores
- Bakeries or pastry shops
- Bank branch offices
- Bank machines, limited to two per Proposed Project
- Barber shops
- Beauty parlors
- Bicycle stores, rental or repair
- Book stores or card stores
- Cafes
- Candy stores
- Carpet, rugs, linoleum, or other floor covering stores
- Churches
- Cigar stores
- Clock or watch stores, or repair shops
- Clothing retail establishments
- Clothing stores, (men's, women's, children's apparel)
- Coffee shops
- Coin stores
- Community centers
- Day care centers
- Delicatessen stores
- Department stores
- Diners
- Dressmaking shops, custom
- Drug stores
- Dry cleaning establishments or laundromats
- Dry goods or fabric stores
- Eating or drinking places, in accordance with the provisions of Use Item Number 38
- Fabric or yarn stores
- Fire stations
- Fishing tackle or equipment stores, or rental establishments
- Florist shops

APPENDIX A (cont'd)

Food stores, including supermarkets, produce and grocery stores, markets,
health foods, delicatessens, prepared food/special food, spices and herbs,
coffees, teas, meat, fish, poultry, and cheese stores

Furniture stores

Furrier shops, custom

Gift shops

Hair products for headwear

Hardware stores

Historical exhibits

Hobby shops

Housewares

Household appliance repair shops

Ice cream stores

Interior decorating establishments

Jewelry shops

Kitchenware

Lamp shops

Leather goods or luggage stores

Libraries

Liquor stores

Lobby space for offices or residences

Locksmith shops

Luggage stores

Millinery shops

Newsstands, enclosed

Office or business machine stores, sales or rental

Optician or optometrist establishments

Orthopedic stores

Paint stores

Parish houses

Parks, public or private

Party shops

Perfume shops

Pet shops

Pharmacies

Phonographic repair shops

Photographic developing or printing establishments

Photographic equipment stores

Photographic studios

Photographic supply stores

Photostating establishments

Picture framing stores

APPENDIX A (cont'd)

Police stations
Post offices
Printing establishments
Radio appliance shop, repair or sales
Record stores
Recreational centers (non-commercial)
Schools
Sewing machine stores, selling household machines
Shoe repair and shoeshine shops
Shoe stores
Sign painting shops
Sporting goods stores
Sports shop
Stamp stores
Stationery stores
Tailor shops, custom
Telegraph offices
Television repair shops
Tobacco stores
Tour operator
Toy stores
Typewriter stores
Typewriter or other small business machine repair stores
Variety or convenience stores
Video or motion picture store, sale or rentals
Wallpaper stores

APPENDIX B

Definitions

For the purposes of this Article only, the following words and phrases, when capitalized, shall have the meanings indicated.

1. "Applicant" means any person or entity having a legal or equitable interest in a Proposed Project subject to the provisions of this Article, as set forth in Section 47-4, or the authorized agent of any such person or entity.
2. "Cambridge Street District Plan" means the comprehensive plan, adopted by the Boston Redevelopment Authority pursuant to Chapter 652 of the Acts of 1960, Section 3 of Chapter 4 of the Ordinances of 1952, and Section 27D-13 of the Code, which sets forth the planning policies, development controls, and design guidelines for the Cambridge Street District, as defined therein.
3. "Cambridge Street - North District" means the area depicted on the map in Appendix A and Map 1J of this Code.
4. "Ground Level Uses" means the uses listed in Appendix A to this Article.
5. "Landmark" means any building or structure designated a landmark pursuant to Chapter 772 of the Acts of 1975, as amended.
6. "Proposed Project" means the demolition, erection, reconstruction, structural alteration, or extension of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit. A Proposed Project may proceed in phases, and may include more than one building, structure, or use.
7. "Street Wall" means the exterior wall or portion of the exterior wall of a structure that faces a street on which such structure is located, and is below the Street Wall height determined pursuant to Section 47-7.3.
8. "Zoning Relief" means any zoning variance, exception, conditional use permit, interim planning permit, zoning map or text change, or other relief granted by the Zoning Commission or the Board of Appeal.

APPENDIX C
Historic Buildings and Buildings Which
Contribute to the Architectural Significance of the District

1. Historic Buildings and Buildings with Historic Portions

Those portions of the Charles Street Jail outlined in red in Exhibit D to
"Agreement for the Acquisition of a Site for a Facility to Replace Charles
Street Jail," dated February 10, 1986.

The Old West Church

The Harrison Gray Otis House

The Resident Physician's House at Massachusetts General Hospital

2. Buildings Which Contribute to the Architectural Significance of the District

265 Cambridge Street

MEMORANDUM

SEPTEMBER 12, 1991

TO: BOSTON REDEVELOPMENT AUTHORITY BOARD AND
STEPHEN COYLE, DIRECTOR

FROM: HOMER RUSSELL, ASSISTANT DIRECTOR FOR
URBAN DESIGN AND DEVELOPMENT
NANCY TENTINDO, PROJECT MANAGER

SUBJECT: CAMBRIDGE STREET DISTRICT PLAN AND PROPOSED
ZONING REGULATIONS (NORTH SIDE)

EXECUTIVE
SUMMARY:

It is requested that the BRA Board adopt the Cambridge Street District Plan with respect to the north side only as the comprehensive plan for the north side of Cambridge Street and authorize the Director to petition the Zoning Commission to adopt the Zoning Text and Map Amendment necessary to establish permanent zoning for the north side of Cambridge Street. With respect to the south side, it is recommended that such area continue to be studied in conjunction with the community.

This submission to the Board follows a public hearing held on January 16, 1991, a subsequent public comment period, and an informational update on June 13, 1991.

Background

On January 16, 1991, the BRA held a public hearing to consider the Cambridge Street Plan and permanent Zoning. At the hearing, various concerns were expressed by property owners and merchants located on Cambridge Street. The BRA Board voted to take the matter under advisement and instructed the staff to resolve the issues raised during the hearing, specifically (1) the height and FAR for the south side of the street, and (2) the recommendation for expansion of the Beacon Hill Historic District to include this area. On June 13, 1991, an informational update was provided to the BRA Board indicating progress to date on these issues.

General Context

The Cambridge Street District stretches for approximately one quarter of a mile from the edge of Longfellow Bridge at Charles Circle to City Hall Plaza at Government Center. Its southern edge abuts Beacon Hill, and on the northern side is the institutional area of the West End and the Charles River Park mixed-use development. The Cambridge Street District includes areas that

differ dramatically from one another both in land use and physical form. Parts of the District, including Massachusetts General Hospital, have undergone substantial change in recent years and will continue to evolve. Other parts, like Beacon Hill, will change very little in appearance and character.

Interim Zoning Regulations

The Downtown Interim Planning Overlay District Zoning (Article 27D of the Boston Zoning Code) established interim land use measures in order to provide the proper balance between competing land uses and economic and environmental factors that existing zoning failed to insure.

Article 27D established 11 Special Study Areas for which planning and rezoning would proceed on a district-by-district basis. To date, nine district plans have been approved: Huntington Avenue/Prudential Center, Bulfinch Triangle, Midtown Cultural District, North and South Stations, Chinatown, the Leather District, Government Center, and the Central Artery. The Financial District has yet to be approved.

Elements of the Plan

1. Development Strategy

As a whole, the District should have a program of preservation coupled with modest infill development which could create economic and physical improvement and contribute to the active streetlife along Cambridge Street. The development strategy for Cambridge Street is to:

- o develop a balanced, mixed use economy of both commercial and residential space with retail space at grade and residential, office or laboratory space above;
- o site active uses on the ground floor fronting Cambridge Street, such as retail stores, restaurants, and coffee shops to revitalize the street's pedestrian activity;
- o develop locally-oriented, retail activity to serve the needs of the community such as grocery stores, convenience stores, and pharmacies;
- o promote sidewalk businesses such as cafes with outdoor seating, and produce stands and flower shops along the sunlit north side where sidewalk width is adequate;
- o develop Charles River Plaza into a major focal point and gathering place;
- o ensure that new development minimizes the conflict between pedestrian flow on the sidewalk and cars using side streets and entering buildings or services such as gas stations; and

- o develop uses at the edges of Charles Circle for public activities such as restaurants, or as the point of origin for a tourist walk along the Black Heritage Trail through historic Beacon Hill.

2. Urban Design

Cambridge Street has many fine elements: landmark buildings, a homogenous pattern of streets and structures on some blocks, and street trees. These assets are a point of departure for the urban design program recommended for Cambridge Street. While building design should acknowledge the differences in use, date, and lot size between the north and south sides of Cambridge Street, the need for greater similarity of scale and pattern between the sides should be respected.

The objectives of the Cambridge Street District Plan with respect to Urban Design are:

- o design new buildings sensitive to the scale and character of Beacon Hill without creating an architecture of literal imitation or false historicism.
- o orient the entrances of new buildings toward Cambridge Street so that the pedestrian activity is focused on the street and not siphoned off to inner courtyards;
- o reinforce streetwall continuity and definition by limiting the extent of recesses and projections on building facades;
- o create a more formal entry to the city both symbolically and urbanistically using gateway and circle motifs around Charles Circle with an emphasis on the proposed MGH Campus master plan;
- o set back and screen all mechanical equipment located on the rooftop of new development projects on Cambridge Street, or conceal such equipment within a shallow hip-or gable-shaped roof using traditional materials and details such as slate shingles and copper gutters;
- o complete the typical Beacon Hill block pattern on the south side, replacing the non-contributing building forms and filling in the vacant sites;
- o on the north side, reinforce the campus image of a series of contained spaces having strong streetwalls with gateways on Cambridge Street opening into buildings or interior courtyards or open spaces;
- o reflect the block and street pattern found on the Beacon Hill side of Cambridge

Street on its opposite side. The massing of new buildings should provide for more frequent breaks in the streetwall, while new pedestrianways and streets should reflect the number and location of streets on the south side.

- o encourage through-block public lobbies and atriums, particularly where they restore historic connections between Cambridge Street and the West End; and
- o redesign Charles River Plaza with building additions at the street edge that contain shops and cafes in order to redirect its pedestrian activity towards Cambridge Street.

3. Historic Preservation

Cambridge Street contains many notable historic buildings and also offers magnificent views of historic landmarks. Major historic buildings crown the north side of the street including: the Harrison Gray Otis House built in 1795, Asher Benjamin's Old West Church (1806), the Resident Physician's House (1891) recently relocated to Cambridge Street by Massachusetts General Hospital and the Charles Street Jail designed by Gridley Fox Bryant in 1851. The objectives of the Plan with respect to historic preservation are:

- o maintain all zoning, guidelines, and review processes intact for the Beacon Hill District;
- o protect historic structures and showcase them with attractive improvements to the public realm such as consistent paving, lighting, fencing, and signage treatment;
- o renovate, rather than replace, to the extent possible, buildings which contribute to the architectural character of the District;
- o reveal the front yard and south and west facades of the Charles Street Jail by removing portions of the high wall. Its prominent location as a point of entry to downtown by foot, bicycle, car, or public transit should be emphasized.

4. The Public Realm

Cambridge Street begins with a major open space, the Charles River Esplanade. Along the street, there are small plazas, like the one in front of the West End Library, and green lawns at Old West Church.

The street has great potential to become a lovely pedestrian promenade with plantings, historic lampposts, brick paving and bright banners and signs. The public realm objectives for Cambridge Street are to:

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- o create a boulevard character with a continuous and dense line of flowering trees and characteristic street lights to create a softer transition between the street and its edges, enhance views, and strengthen the linear perspective of the street;
- o use uniform streetscape elements such as trees, brick sidewalks, and acorn-style lamps on both sides of the street to lend scale, texture, and interest and create uniformity and continuity.
- o increase pedestrian space by either widening sidewalks or widening and enhancing the street's median. The median strip could be improved with treatment similar to Congress Street by adding flowering plants and low bushes for color and visual continuity, and brick and wrought iron fencing to reinforce the linear perspective of the street with appropriate breaks for pedestrian crossings;
- o incorporate sculpture, banners, and awnings to create visual interest along sidewalks and open spaces;
- o improve open space along the street in a hierarchical fashion in the following manner:
 - (1) The sidewalks in front of ordinary buildings should be upgraded with common materials, such as brick, acorn lamps, wood and cast iron benches.
 - (2) The existing pattern of denoting landmarks with front lawns and wrought-iron fences on masonry bases should be extended to the jail site and to the parcels between Cambridge Street and the Bulfinch Pavilion along North Anderson Street.
 - (3) The grand open spaces of the Charles River and Esplanade at the west end of the street and City Hall Plaza at the east end should be reinforced by the sensitive treatment of sequential spaces leading up to them.
- o establish a welcoming entrance to the city at Charles Circle that manifests its special role as a gateway to Boston, and create a more legible and continuous enclosure for its urban space through new landscaping and building additions.
- o eventually replace the surface parking lots on the Esplanade with parkland as part of a comprehensive transportation plan for the adjacent institutions.

5. Views

Views of some of Boston's most valued modern and historic buildings exist along Cambridge Street, but navigating through the visual confusion and dangerous traffic patterns usually keep the

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passerby from appreciating them. New development, building additions, and street improvements should be designed to frame these views. The objective of the Cambridge Street Plan with respect to views is to orient new development and design streetscape improvements to enhance views of open spaces, such as the Esplanade and the river, the skyline, and important buildings such as Old West Church, the Ether Dome, the Charles Street Jail, the Custom House Tower and the State House Dome.

6. Transportation Access

The transportation network of the District is characterized by major arterials passing through and around it. Conflicts currently occur between pedestrian and vehicular traffic along Cambridge Street, particularly where it intersects with North Grove, Blossom, and Staniford Streets.

The competing automobile, pedestrian and public transit traffic at Charles Circle make it one of Boston's most congested, confusing and noisy intersections. Bowdoin Square has numerous lanes and turns which make it difficult to cross.

The periphery of the District is well served by public transportation. The Red Line stop at Charles Street, and the Blue Line stop at Bowdoin Square are within the District. The nearby Orange and Green Line stops at North Station and Haymarket also serve the commuters and residents of the District.

The current transportation objectives of the Cambridge Street Plan are to:

- o establish pedestrian priority at street crossings where left-turning traffic often conflicts with pedestrian movement with appropriate signalization and by closing, where possible, some of the center island openings.
- o relocate service entrances on the north side off of Cambridge Street.
- o investigate the possible relocation of the entrance and exit openings of the Charles River Plaza Garage and surface parking in association with any new development proposal for that site.

Community Review

During the preparation of the Plan, approximately 24 meetings were held with eight community groups. The Cambridge Street Plan and Zoning Regulations were prepared in consultation with the Beacon Hill Civic Association, the Cambridge Street Community Development Corporation comprised of (Massachusetts General Hospital, Massachusetts Eye and Ear Hospital, and the Beacon Hill Civic Association), the Boston Preservation Alliance, the Beacon Hill Architectural Commission, the Allied Merchants Association, the Boston Landmarks Commission, the

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Downtown North Association, and in conjunction with the Boston Civic Design Commission (BCDC). On December 4, 1990 the BCDC voted to endorse the Cambridge Street Plan and continue to work with the BRA regarding the MGH Master Plan.

South Side Issues

On January 16, 1991, the BRA held a public hearing to consider the Cambridge Street Plan and Zoning. With respect to the north side of Cambridge Street, there was general agreement on the height and FAR recommendations. However, property owners and merchants from Cambridge Street expressed concern that the recommendations for the south side of a height of 50 feet and FAR 3 were too low to encourage the redevelopment of vacant or underutilized properties. They also expressed concern over the expansion of the Historic District as this would, in their opinion, require that proposed projects be submitted to the Beacon Hill Architectural Commission for a review more rigorous than warranted by the lesser significance of the Cambridge Street buildings.

Urban Design Study for the south side of Cambridge Street

In order to formulate appropriate dimensional requirements for Cambridge Street, an extensive urban design analysis was conducted of the south side of the street. The existing character of the street was carefully documented: the height, FAR, and site area of each building is known. A strategy successfully used in the study and zoning of Boylston Street was employed that involved establishing appropriate height and FAR on a block by block basis. Several factors were considered such as the height and massing of adjacent structures, the dimensions of buildings located immediately behind Cambridge Street on the streets perpendicular to it, and any other special circumstance such as the existence of an important community open space or the presence of a significant or historic building.

Architectural district designation

A significant amount of discussion has taken place around the issue of whether and under what method the south side of Cambridge Street might be designated as an architectural or historic district. It appears that most of the buildings on Cambridge Street may not meet the stringent criteria established in the legislation for the Beacon Hill District and thus may not be eligible for inclusion in the District. Other designations such as a protection district or an architectural conservation district are being explored. The staff will continue to work with the Boston Landmarks Commission to explore this concept.

Community review of current proposals

To date, representatives of the Cambridge Street Allied Merchants Association are in general agreement with the block by block zoning approach and with the substantive conclusions of the zoning study.

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However, the Beacon Hill Civic Association has indicated that they do not believe that the new amendment represents a workable approach to zoning. They are concerned that the FARs, if increased from their current 2 to 4 and 5 might result in driving land values up and creating a demand for FAR variances greater than 5. In addition, the Association finds that by maintaining an FAR of 2, virtually all new development will require variances, thus allowing for greater participation by community groups in determining both dimensional issues and architectural design detailing. The Civic Association would prefer that FAR on the south side of Cambridge Street be limited to 2 as-of-right and up to 3 with review pursuant to Article 31 of the Boston Zoning Code. In the alternative, they prefer that no Plan or new zoning be adopted and that the interim zoning be allowed to expire, in which case the zoning would revert back from the IPOD to the underlying zoning of L-2-65. The Association is willing, however, to review the block by block approach in order to evaluate the dimensions currently under discussion with a view toward reaching a possible resolution.

South Side recommendation

At this time, it appears that additional consultation and review of the block by block zoning scenario for the south side of Cambridge Street is warranted. During this time, the south side would continue to be governed by the terms of the IPOD which will be in effect until March 25, 1992 which places this area in a Priority Preservation District with a height limit of 65 feet and an FAR of 2 until such time as new permanent zoning is developed for the area.

North Side

With respect to the north side of Cambridge Street, there was no substantial disagreement regarding the recommended zoning. However, during the public comment period, the Massachusetts General Hospital submitted comments requesting that the Restricted Growth Area be extended further to include its properties located between North Anderson Street and the Charles Street Jail property, rather than including those properties in the Protection Area as presented at the hearing. This would be consistent with the treatment of the majority of the north side of Cambridge Street which contains a Protection Area strip 65 feet from the street line followed by the Restricted Growth Area. Furthermore, perspective studies reveal that little of the building mass which could potentially be constructed under the Restricted Growth dimensions would be seen by the pedestrian from Cambridge Street. This change meets with the approval of the Beacon Hill Civic Association provided that any proposed project in this area undergo review pursuant to Article 31.

Another request from the MGH was that a bonus FAR point of one be given for any project in the Protection Area fronting on Cambridge Street which includes ground floor uses, thus allowing for a potential increase in FAR from 4 to 5. Because active ground floor uses would enliven the street edge and contribute to an active pedestrian environment, particularly in an area containing significant institutional use, this provision appears to be an appropriate incentive. The Civic

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Association also requests that as a requirement of the bonus FAR that a proposed project be subject to an Article 31 review.

Therefore, the recommendations for dimensions for the north side are: height will be 65 feet with an FAR of 4 up to an FAR of 5 if certain ground floor uses are included in the project, except for the blocks between the Charles Street Jail and the Old West Church starting at a depth of 65 feet from the street line. New development in these areas will be allowed at 80 feet/FAR 6 as-of-right with a provision for a height of 100 feet/FAR 7 with Article 31 review, except that all proposed projects in the MGH garage area over a height of 65 feet/FAR 4 must undergo Article 31 Review.

No changes have been made to the proposed permanent zoning for the Charles Street Jail site. An FAR of 5 is recommended, along with a building height of up to 120 feet for a portion of the site and 150 feet for the remainder of the site. This zoning would allow for the implementation of the Master Plan for the site developed by Graham Gund Associates that envisions development of the Jail for hotel use, with two medical office buildings containing ground-floor retail along a pedestrian arcade. The Gund Master Plan conforms to the recommendations in the Cambridge Street District Plan and contains generous open space on the interior of the site as well as a large entrance opening out onto Charles Circle.

The Gund Master Plan was presented to the Boston Civic Design Commission, the Boston Landmarks Commission, the Boston Preservation Alliance, the Beacon Hill Civic Association and the Cambridge Street Community Development Corporation. After substantial community review, the Plan was found to represent a reasonable development scenario for this site.

Recommendation

The BRA staff recommends that the Cambridge Street District Plan with respect to the north side only be approved and that the Director be authorized to take all actions necessary to petition the Zoning Commission to adopt the Cambridge Street District Zoning for the north side only as the new permanent zoning governing this section of the downtown. The BRA staff further recommends that study and discussion surrounding the south side continue with a view toward achieving resolution on dimensional issues.

An appropriate vote follows:

VOTED: That the Cambridge Street District Plan with respect to the north side only is hereby adopted and that the BRA Director is authorized to petition the Zoning Commission to adopt the Zoning Text and Map Amendment to the Boston Zoning Code necessary to establish permanent zoning for the north side of Cambridge Street only, in substantial accord with the documents presented to the BRA on September 12, 1991. With respect to the south side of Cambridge Street, the plan shall not be deemed adopted or applicable until the BRA takes action so adopting the plan with respect to the south side.

